

sole, and a fourth cleat assembly is secured to a front area of the forefoot portion of the sole.

## **REMARKS**

The Office Action of February 7, 2006 has been carefully reviewed and these remarks are responsive thereto. Claims 1, 2, 17, 25, 26, and 41 have been amended. Reconsideration of the application in view of the foregoing amendments and following remarks is respectfully requested. Each of the Examiner's rejections is discussed below.

### **Section 102**

#### **Claims 1-5, 8-9, 17, 25-29, 32-33, and 41**

Claims 1-5, 8-9, 17, 25-29, 32-33, and 41 have been rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 3,631,614 to Rice ("Rice"). This rejection is respectfully traversed.

Rice discloses an anti-slip footpiece having a wobble plate 28 with a plurality of teeth 29 extending downwardly about its periphery. Plate 28 is suspended by a stem 31 having a ball 32 seated in a socket 33 depending from a support plate 34. A spring 34 surrounding stem 31 maintains plate 28 in a neutral position until slippage begins, at which point plate 28 tilts and some of the teeth 29 engage the surface upon which the user is slipping.

Rice fails to disclose or make obvious at least one cleat assembly pivotally connected to a sole only about a single axis such that a medial portion and a lateral portion of the cleat assembly can move upwardly and downwardly with respect to the sole, as required by independent claim 1. Nor does Rice disclose or make obvious at least one cleat assembly mounted to a sole for pivotal movement with respect to the sole only about a single axis, with a portion of each cleat assembly being received in a corresponding recess when the cleat assembly pivots, as required by independent claim 17. Rice also does not disclose or make obvious at least one cleat assembly pivotally connected to a sole only about a single axis such that a medial end and a

lateral end of the cleat assembly move upwardly and downwardly with respect to the sole, as required by independent claim 25. Further, Rice does not disclose or make obvious at least one cleat assembly mounted to a sole for pivotal movement only about a single axis with respect to the sole, with a portion of each cleat assembly received in a corresponding recess when the cleat assembly pivots, as required by independent claim 41.

Plate 28 of Rice is mounted to support plate 34 with a ball and socket joint such that it can pivot in any direction. Not only does plate 28 of Rice not pivot only about a single axis, but to have plate 28 do so would go against the teachings of Rice, that is, it would fail to serve its purpose of preventing slip in any direction.

Accordingly, the rejection is improper and should be withdrawn.

#### **Section 103**

##### **Claims 12-16, 20-24, 36-40, and 44-48**

Claims 12-16, 20-24, 36-40, and 44-48 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rice in view of Official Notice. Official Notice is taken that the use of multiple cleats on a shoe in different parts of the shoe is well known. This rejection is respectfully traversed.

As discussed above, Rice does not disclose or make obvious a cleat assembly that pivots only about a single axis, as required by independent claims 1, 17, 25, and 41, from which claims 12-16, 20-24, 36-40, and 44-48 depend. Accordingly, the rejection is improper and should be withdrawn.

Accordingly, the rejection is improper and should be withdrawn.

#### **Allowable Subject Matter**

Applicant thanks the Examiner for the indication that claims 6, 7, 10, 11, 18, 19, 30, 31, 34, 35 42, and 43 would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims. Since independent claims 1, 17, 25 and 41 are believed to be allowable in their present form, as discussed above, claims 6, 7, 10, 11, 18, 19, 30, 31, 34, 35, 42, and 43 are believed to be allowable in their present form.

**Conclusion**

Pending claims 1-48 are believed to be in form for allowance, and in indication to that effect is respectfully requested. The Commissioner is hereby authorized to charge any fees or credit any overpayments to **Deposit Account No. 19-0733**.

Respectfully submitted,

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